DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits. Claims 1 - 20, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-8, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (#5,128,862) in view of Harada (PG PUB. US 2003/0210277).

As per Claim 1, Mueller discloses a graphical display system for use with a point-of-sale system operated in a pizza restaurant (where the customer stations, the cashier station, all include video terminals for the instantaneous display of critical information as discussed in Column 2, lines 48-52. A cashier station is well known within the art as a point of sale), the display system comprising:

an image generator connected to a point-of-sale system, the image generator capable of generating visual images (See Figure 1, Item 46 Touch Screen is capable of generating visual images);

one or more customer display monitors connected to the image generator and positioned at one or more customer order stations for displaying an image ordered by the customer toward permitting the customer to confirm the correctness of the order (See Figure 1, Item 10 Customer Terminal each are equipped with a Touch Screen capable of displaying an image. Column 8, lines 20-23, disclose that after completion of the ordering process, the customer will be presented with a visual receipt of the items ordered and the total cost for the order. The ability to be visually presented with a receipt of items ordered is an example of order confirmation);

one or more kitchen display monitors connected to the image generator and positioned at a food preparation station for displaying an image ordered by the customer toward permitting the accurate preparation of the order by the customer (Column 5, lines 46-48, disclose each food preparation station includes a terminal. The terminals do not have a touch screen overlay, but each is equipped with a bump bar device for deleting completed orders from the screen of the respective terminals, a screen is capable of displaying images. The system may include one or more food preparation stations in order to give employees in different areas of the kitchen. Column 6, lines 27-29 disclose items ordered by the customer are instantaneously at the runner and food preparation stations to wait until the customer has indicated that he has finished ordering); and

one or more packing station display monitors connected to the image generator and positioned at a packing station for displaying an image after cooking toward

insuring that the correct pizza is delivered to the correct customer (Column 5, lines 12-14 disclose A runner may be employed to gather the various items of a customer order, and deliver the same to the customer. Column 5, lines 21-22, disclose a runner station consists of a video terminal for displaying customer orders).

However, Mueller fails to explicitly disclose displaying images of raw, cooked and uncooked pizza. Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches a terminal computer incorporated with its screen surface is a touch panel, and when a corresponding point on the display menu is touched, the screen is changed over to a detailed display, or when the food menu is being displayed on the screen, by touching a desired food menu item, the cooking scene of the food along with the prepared menu item, is displayed in moving image or still image (Paragraph [0012]), where the cooking scene is describing a raw or uncooked food product.

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to view their food before ordering and watch the creation while waiting.

As per Claim 2, Mueller discloses a graphical display system wherein the images generated by the image generator (The visual display that is presented to the

customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65).

However, Mueller fails to disclose that the images are photo-realistic images. Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches that a food menu is displayed by moving image; the information of sizzling food can be presented to the user (Paragraph [0020], where the usage of the term sizzling describes the moving image as photo-realistic).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to view their food before ordering.

As per Claim 3, Mueller discloses a graphical display system wherein images are generated by the image generator (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65).

However, Mueller fails to disclose that the images are still images. Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches that the food along with the prepared menu item is displayed in moving image or still image, (Paragraph [0012]).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to view their food before ordering.

As per Claim 5, Mueller discloses a graphical display system (video terminals for the instantaneous display of critical information as discussed in Column 2, lines 50-51).

However, Mueller fails to disclose wherein the customer display monitor displays promotional offers to the customer.

Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches displaying a Promotional Season Menu (See Figure 1, 2b).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to view cost saving values while ordering.

As per Claim 7, Mueller discloses a graphical display system for use in a restaurant (The visual display that is presented to the customer to initiate the ordering

process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65), the display system comprising:

an image generator connected to a point-of-sale system, the image generator capable of generating visual images of food items (See Figure 1, Item 46 Touch Screen is capable of generating visual images);

a customer display monitor disposed to display to a customer an image of the cooked food items ordered by the customer (See Figure 1, Item 10 Customer Terminal each are equipped with a Touch Screen capable of displaying an image);

a kitchen display monitor positioned at the food preparation station for displaying an image of food items ordered by the customer (Column 5, lines 46-48, disclose each food preparation station includes a terminal. The terminals do not have a touch screen overlay, but each is equipped with a bump bar device for deleting completed orders from the screen of the respective terminals, a screen is capable of displaying images. The system may include one or more food preparation stations in order to give employees in different areas of the kitchen. Column 6, lines 27-29 disclose items ordered by the customer are instantaneously at the food preparation stations to wait until the customer has indicated that he has finished ordering); and

a packing display monitor positioned at the packing station for displaying a image of the cook food ordered by the customer toward insuring that the correct food is delivered to the correct customer (Column 5, lines 12-14 disclose A runner may be employed to gather the various items of a customer order, and deliver the same to the

customer. Column 5, lines 21-22, disclose a runner station consists of a video terminal for displaying customer orders).

However, Mueller fails to disclose displaying photo-realistic images of cooked and uncooked food. Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches a terminal computer incorporated with its screen surface is a touch panel, and when a corresponding point on the display menu is touched, the screen is changed over to a detailed display, or when the food menu is being displayed on the screen, by touching a desired food menu item, the cooking scene of the food along with the prepared menu item, is displayed in moving image or still image (Paragraph [0012], where the cooking scene is describing a raw or uncooked food product).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to view their food before ordering and watch the creation while waiting.

As per Claim 8, Mueller discloses a graphical display system for use in a restaurant wherein the customer display monitor is positioned at the customer order station (See Figure 1, Item 10 Customer Terminal each are equipped with a Touch Screen capable of displaying an image).

As per Claim 12, Mueller discloses a method for confirming the correctness of an order for pizza placed by a customer (To indicate completion of an order, the customer touches a specific portion of the touch screen in response to a visual prompt and the order is finalized, as discussed in Column 6, lines 8-11, where the process described is inherently a confirmation procedure) the method comprising the steps of:

accepting a customer order for a pizza with specific ingredients (a customer terminal displays a screen which asks a customer whether he would like to place an order then a series of options are then presented to the customer. The system is designed to be adapted by the individual restaurant to display to the customer each of the products offered by the restaurant. The customer responds to the various options displayed by ordering items displayed on the customer terminal as discussed in Column 5, lines 63-68 to Column 6, lines 1-3, in which the items selected by the customer at a restaurant can include ingredients for a pizza);

inputting the customer's order into a computer based point-of-sale order entry system (After the order has been completed, it will be transferred from the associated microprocessor's short term memory to its hard disk memory (Column 8, lines 18-20) the cashier must recall the order from the hard disk memory of its associated microprocessor in order to display any particular order (Column 8, lines 28-30);

displaying a image of the pizza ordered by the customer toward permitting the customer to confirm the accuracy of the order as entered into the point-of-sale system (See Figure 1, Item 10 Customer Terminal each are equipped with a Touch Screen

capable of displaying an image. Column 8, lines 20-23, disclose that after completion of the ordering process, the customer will be presented with a visual receipt of the items ordered and the total cost for the order. The ability to be visually presented with a receipt of items ordered is an example of order accuracy); and

forwarding the customer's order to the kitchen for preparation and cooking (the system may also be programmed to display items ordered by the customer instantaneously at the runner and food preparation stations, as discussed in Column 6, lines 27-29).

However, Mueller fails to explicitly disclose accepting the customer's confirmation of the accuracy of the order as entered and displaying photo-realistic images of pizza to the customer.

Both Mueller and Harada are in the same field of restaurant ordering service.

Harada teaches the management computer prints out the order slip to the user at the table to confirm the order contents and prints out the order charge slip to the user at table to confirm charge amount (as discussed in Paragraph [0013]).

Harada further teaches a terminal computer incorporated with its screen surface is a touch panel, and when a corresponding point on the display menu is touched, the screen is changed over to a detailed display, the cooking scene of the food along with the prepared menu item, is displayed in moving image or still image (Paragraph [0012], where the cooking scene is describing a raw or uncooked food product).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include a management computer with the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to confirm the purchase of ordered food as well as to view their food before ordering and watch the creation while waiting.

As per Claim 13, Mueller discloses a method further including the step of:

displaying to kitchen employees an image ordered by the customer in its uncooked form toward permitting the kitchen to accurately prepare the pizza as ordered by the customer (the order will be transmitted to other stations in the system. In the case of the food preparation station and the runner station, the specific order will be displayed on the respective terminals as discussed in Column 8, lines 24-27, where pizza is food that can be prepared at a restaurant).

However, Mueller fails to explicitly disclose displaying photo-realistic images of an uncooked pizza. Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches a terminal computer with its screen surface is a touch panel, when touched the screen is changed over to a detailed display, or when the food menu is being displayed on the screen, by touching a desired food menu item, the cooking scene of the food along with the prepared menu item, is displayed in moving

image or still image (Paragraph [0012], where the cooking scene is describing a raw or uncooked food product).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow employees to view the food during the creation to complete the order accurately.

As per Claim 14, Mueller discloses a method further including the step of: displaying to kitchen employees an order by the customer in cooked form toward permitting the kitchen to accurately match the cooked pizza to the proper customer's order (the order will be transmitted to other stations in the system. In the case of the food preparation station and the runner station, the specific order will be displayed on the respective terminals as discussed in Column 8, lines 24-27).

However, Mueller fails to explicitly disclose displaying photo-realistic images of a cooked pizza.

Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches a terminal computer with its screen surface is a touch panel, when touched the screen is changed over to a detailed display, or when the food menu is being displayed on the screen, by touching a desired food menu item, the cooking scene of the food along with the prepared menu item, is displayed in moving image or

still image (Paragraph [0012]), where the detailed display is describing a cooked food product.

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow employees to view the food during the creation to complete the order accurately.

As per Claim 15, Mueller discloses a graphical display system for use with a point-of-sale system operated in a pizza restaurant (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65, where an individual restaurant can include a pizza restaurant), the display system comprising:

an image generator connected to a point-of-sale system, the image generator capable of generating visual images (See Figure 1, Item 46 Touch Screen is capable of generating visual images); and

one or more display monitors positioned at customer order stations for displaying to the customer an image of the ordered by the customer toward permitting the customer to confirm the correctness of the order as entered into the point-of-sale system (See Figure 1, Item 10 Customer Terminal each are equipped with a Touch Screen capable of displaying an image. Column 8, lines 20-23, disclose that after

completion of the ordering process, the customer will be presented with a visual receipt of the items ordered and the total cost for the order. The ability to be visually presented with a receipt of items ordered is an example of order confirmation).

However, Mueller fails to disclose photo-realistic images of cooked pizza.

Harada teaches a terminal computer incorporated with its screen surface is a touch panel, and when a corresponding point on the display menu is touched, the screen is changed over to a detailed display, the cooking scene of the food along with the prepared menu item, is displayed in moving image or still image (Paragraph [0012], where the cooking scene is describing a raw or uncooked food product).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include a management computer with the visual ordering service system as taught by Harada.

The motivation to combine is to allow customers to confirm the purchase of ordered food as well as to view their food before ordering and watch the creation while waiting.

As per Claim 16, Mueller discloses a graphical display system for use in a pizza restaurant (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65, where a pizza restaurant is an example of a individual restaurant), the display system comprising:

an image generator connected to a point-of-sale system, the image generator capable of generating visual images of uncooked pizzas (See Figure 1, Item 46 Touch Screen is capable of generating visual images); and

one or more display monitors positioned at a food preparation station for displaying to the kitchen employees a photo-realistic image of a pizza ordered by the customer in uncooked form toward facilitating the accurate and uniform preparation of the pizza (Column 5, lines 46-48, disclose each food preparation station includes a terminal. The terminals do not have a touch screen overlay, but each is equipped with a bump bar device for deleting completed orders from the screen of the respective terminals, a screen is capable of displaying images. The system may include one or more food preparation stations in order to give employees in different areas of the kitchen. Column 6, lines 27-29 disclose that items ordered by the customer are sent instantaneously at the food preparation stations to wait until the customer has indicated that he has finished ordering).

However, Mueller fails to explicitly disclose displaying photo-realistic images of an uncooked pizza.

Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches a terminal computer with its screen surface is a touch panel, when touched the screen is changed over to a detailed display, or when the food menu is being displayed on the screen, by touching a desired food menu item, the cooking scene of the food along with the prepared menu item, is displayed in moving image or

still image (Paragraph [0012], where the cooking scene is describing an uncooked food product).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow employees to view the food during the creation to complete the order accurately.

As per Claim 17, Mueller discloses a graphical display system for use in a pizza restaurant comprising (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65, where a pizza restaurant is an example of an individual restaurant):

an image generator connected to a point-of-sale system, the image generator capable of generating visual images of cooked pizzas(See Figure 1, Item 46 Touch Screen is capable of generating visual images); and

one or more display monitors positioned at a packing station for displaying to the kitchen employees a photo-realistic image of the cooked pizza ordered by the customer toward matching the cooked pizza with the correct customer's order, to in turn, insure that the correct pizza is delivered to the correct customer (Column 5, lines 12-14 discusses a runner may be employed to gather the various items of a customer order,

and deliver the same to the customer. Column 5, lines 21-22, discusses a runner station consists of a video terminal for displaying customer orders).

However, Mueller fails to explicitly disclose displaying photo-realistic images of an cooked pizza.

Both Mueller and Harada are in the same field of restaurant ordering service. Harada teaches a terminal computer with its screen surface is a touch panel, when touched the screen is changed over to a detailed display, or when the food menu is being displayed on the screen, by touching a desired food menu item, the cooking scene of the food along with the prepared menu item, is displayed in moving image or still image (Paragraph [0012], where the detailed display is describing a cooked food product).

Therefore, from this teaching of Harada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of Mueller to include the visual ordering service system as taught by Harada.

The motivation to combine is to allow employees to view the food at completion to avoid error when delivering the food.

As per Claim 18, Mueller discloses a graphical display system for use in a restaurant wherein the display monitor is positioned at the customer order station (The visual display that is presented to the customer to initiate the ordering process, can be

specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65).

4. Claims 4, 6, 9, 10, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (#5,128,862) in view of Harada (PG PUB. 2003/0210277) as applied to claims 1, 7, and 15 above, and further in view of Rao et al. (#6,865,261)

As per Claim 4, Mueller further discloses a graphical display system (video terminals for the instantaneous display of critical information as discussed in Column 2, lines 50-51).

However, the Mueller and Harada combination as modified in claim 1 fails to disclose wherein the images generated by the image generator are generated from a stored database of discrete images.

Mueller, Harada and Rao et al. are in the same field of restaurant ordering service. Rao et al. teaches an image compared on the database to provide name and other information are discussed in Column 6, lines 23-27.

Therefore, from this teaching of Rao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of the Mueller and Harada combination to include the image storing database as taught by Rao.

The motivation to combine is to access images of menu items to display to customers quickly.

As per Claim 6, Mueller further discloses a graphical display system (video terminals for the instantaneous display of critical information as discussed in Column 2, lines 50-51). However, the Mueller and Harada combination as modified in claim 1, fails to disclose wherein the customer display monitor presents to the customer an indication of how many people can be fed by the food item ordered.

Mueller, Harada and Rao et al. are in the same field of restaurant ordering service. Rao et al. teaches portion tilt (See Figure 4, Item 406), portion size (See Figure 5, 504) and number of dinners within a party (See Figure 6, Item 606) all which are indicators of determining how many people can be fed by the food ordered.

Therefore, from this teaching of Rao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of the Mueller and Harada combination to include the portion size display as taught by Rao.

The motivation to combine is to determine an approximate amount of food to order for a certain number of people.

As per Claims 9 and **19** Mueller further discloses a graphical display system for use in a restaurant wherein the customer display monitor is capable of displaying color images (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65 and Column 9, lines 64-65 discuss customer

terminals are IBM Model No. 8512 monitors, which are capable of displaying a color image).

However the Mueller and Harada combination as applied in Claims 7 and 15, fails to disclose that the display is a PDA.

Mueller, Harada and Rao et al. are in the same field of restaurant ordering service. Rao et al. teaches that the display device may be a mobile device such as a Palm Pilot, which is well known as a Personal Digital Assistant (PDA), as discussed in the Abstract.

Therefore, from this teaching of Rao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of the Mueller and Harada combination to include the Palm Pilot display as taught by Rao.

The motivation to combine is to allow customers to view their orders upon a personal mobile device.

As per Claims 10 and **20** Mueller further discloses a graphical display system for use in a restaurant wherein the customer display monitor is capable of displaying a color image (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65 and Column 9, lines 64-65 discuss customer terminals are IBM Model No. 8512 monitors, capable of displaying a color image).

However the Mueller and Harada combination as applied in claims 7 and 15 fails to disclose a cell phone as a customer display.

Mueller, Harada and Rao et al. are in the same field of restaurant ordering service. Rao et al. teaches that the display device may be a mobile device such as a cell phone, as discussed in the Abstract.

Therefore, from this teaching of Rao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of the Mueller and Harada combination to include a cell phone display as taught by Rao.

The motivation to combine is to allow customers to view their orders upon a personal mobile device.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (#5,128,862) in view of Harada as applied to claim 7 above, and further in view of Fuyama (#5,377,097).

As per Claim 11, Mueller further discloses a graphical display system for use in a restaurant wherein the customer display monitor presents a visual image viewable by an individual (The visual display that is presented to the customer to initiate the ordering process, can be specifically adapted to the requirements of individual restaurants as discussed in Column 2, lines 61-65)

However, the Mueller and Harada combination as applied to claim 7, fails to disclose where a display is positioned proximate a drive through lane toward in a motor vehicle.

Mueller, Harada and Fuyama et al. are within the same field of restaurant ordering services. Fuyama et al. teaches that a vehicle can park at a position "VEHICLE(1)", and a passenger in the vehicle can select and order an article to be purchased by looking at an order menu board as discussed in Column 20, lines 7-10.

Therefore, from this teaching of Fuyama, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the customer operable system for a fast-food restaurant of the Mueller and Harada combination to include a display positioned at a drive-thru as taught by Fuyama.

The motivation to combine is to allow customers to view an order at a restaurant without leaving one's vehicle.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hayman (#4,388,689) discusses a restaurant video display system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashford Hayles whose telephone number is (571)270-5106. The examiner can normally be reached on Monday thru Thursday 8:30 to 4:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4127

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